

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

–
WRIT PETITION No.12215 of 1994

Dated: 29.03.2007

Between

Mohd. Maqsood Ali and three others.

..... Petitioner

And

The Member-Secretary,
A.P. State Electricity Board,
Hyderabad.

.....Respondent

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

-
WRIT PETITION No.12215 of 1994

O R D E R:

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The petitioners' father Sri Mohd. Mahmood Ali, an employee of A.P. State Electricity Board, died in the year 1983 leaving behind him the petitioners as his legal heirs. The petitioners would contend that they filed O.P.No.312 of 1985 before the Chief Judge, City Civil Court, Hyderabad, which was allowed on 21.01.1986 and as a result, the first petitioner was appointed as a guardian on behalf of the minor petitioners 2 to 4 and thereafter, despite repeated efforts including issuance of legal notice through their counsel on 18.01.1993, and when the respondents called upon the petitioners to submit certain documents, the same were submitted on 06.04.1993, the amount due was not paid.

Sri Samineni Kishore, learned Standing counsel for the respondent, on instructions, would submit that a sum of Rs.13,165/- (Rupees Thirteen thousand one hundred and sixty five only) is due and payable to the petitioners and that the said amount would be paid if the petitioners

herein would approach the Board.

No counter-affidavit is filed on behalf of the respondents.

It is indeed unfortunate that the terminal benefits due to the deceased employee who died, while in service, in 1983, has not been paid though 24 years have elapsed since his death. Even now the contention urged, on behalf of the respondents, is that the petitioners should be directed to approach the officers concerned, make a representation and seek payment of the terminal benefits. The fact that the writ petition was filed as early as in 1994 and the respondents were well aware of its contents itself necessitated their arranging for payment of the terminal benefits due and payable on account of death of Sri Mohd. Mahmood Ali to his legal heirs-the petitioners herein. Even 13 years after the writ petition is filed, the respondent-Corporation insists that the petitioners herein should approach them for settlement of the terminal benefits which is admitted to be a sum of Rs.13,165/-. Such callous and indifference to the plight of the legal heirs of deceased employee necessitates condemnation.

Sri Mohd. Moin Ahmed Quadri, learned counsel for the petitioners, would submit that petitioners 2 to 4 have since attained majority and that the terminal benefits due to Sri Mohd. Mahmood Ali be paid equally among all the

four petitioners herein.

The action of the respondents in not paying the terminal benefits, due to the deceased-Sri Mohd. Mahmood Ali, to his legal heirs for more than 24 years would necessitate the petitioners herein being compensated, at least partly, by way of interest.

Accordingly, there shall be a direction to the respondents to pay the terminal benefits due and payable as a result of the death of Sri Mohd. Mahmood Ali to his legal heirs-the petitioners herein along with simple interest at 10% per annum within a period of two months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. There shall be no order as to costs.

29.03.2007

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